

Appln. No. 10/519,841
Reply Brief

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
DIETSCHE, FRANK, ET AL : GROUP: 1794
SERIAL NO: 10/519,841 :
FILED: JANUARY 12, 2005 : EXAMINER: KRUER, K.
FOR: RADIATION-CURABLE PAINT :
SYSTEMS HAVING A LOWER
LAYER WITH LOW-
TEMPERATURE ELASTICITY

REPLY BRIEF

COMMISSIONER FOR PATENTS
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SIR:

The following is a reply to comments made by the Examiner in his Answer dated October 3, 2008 to the appeal brief that has been filed.

REMARKS

The Examiner states with respect to Mack at the bottom of page 9 of the Answer that *the present claims are not limited a specific field of technology for reasons stated above.* However, to the contrary, appellants claims are direct specifically to a clear-coat system of which requires two basic components which are a coating of a radiation curable system (F) on a substrate (A), wherein an elastic intercoat intervenes between the topcoat (F) and the substrate. At the minimum it is the combination of the particular topcoat and the underlying

layer that forms a “clear coat” on a substrate. However, no such structure is described by Mack et al. In Mack et al a particulate filler material such as described in column 5, lines 54-57 of the patent is coated with an organosilane or organosiloxane material and then the coated filler is blended with a polyamide, for instance (see Example 2 of the patent). The resin product is then injection molded in a device to form the desired object.(see top of column 7 of the patent). As such, Mack et al does not teach or suggest, as stated by the Examiner, that the filled composition of the patent *is used to produce goods such as electronic devices and parts for motor vehicles and that when used in such embodiments, said layer is attached to another layer* (present claim 8). Rather, once an object of the desired shape is formed by a molding step, the product *per se* is ready for use and is not built by layer upon layer as the Examiner suggests.

As to the Downey and Korpman patents, the Examiner notes that the patents disclose PSAs whereas such are not employed in the presently claimed composition as argued by appellants. The Examiner states that appellants’ comment is *not persuasive ” because it is not commensurate in scope with the claimed invention.”* (see page 11, second paragraph of the Answer) However, clear distinction exists between the PSAs of the two references and the elastic intercoat material (D) of the present claims. In each of the two patents the PSA disclosed therein is a combination of an elastomeric, thermoplastic block copolymer with a tackifier component. (Korpman discloses the likes of polyterpenes, hydrocarbon resins and rosins as tackifiers and Downey discloses thermoplastic tackifying resins such as those set forth in column 2, lines 37-62 of the patent.) The point is that in order for each reference to formulate a tackifier material, both a tackifier (usually in an amount as great as or greater than the amount of thermoplastic resin) and a thermoplastic block copolymer are essential ingredients. Neither patent provides any teaching or suggestion that a thermoplastic block copolymer has any utility separately as it is in the adhesive compositions disclosed in the

patents. On the other hand, the elastic intercoat (D) of the present claims is not a PSA, nor is there any need for a tackifier component in the elastic intercoat. Appellants maintain that the two patents are irrelevant to the present invention.

The Examiner states with respect to Onozawa et al on page 14, first paragraph of the Answer that the reference *teaches a laminated structure comprising an elastic layer (the SBS block copolymer of Onozawa et al) applied to a substrate (the window of Onozawa et al) and then a coat of at least one radiation curable urethane acrylate layer of Onozawa et al.* Appellants believe this assessment of the disclosure of the patent is misleading. In the paragraph of column 3, lines 51-60, the patent describes the preparation of a hard sheet by coating a resin mixture of the radiation-curable silicone resin mixed with the multi-functional acrylate onto a base sheet by any suitable technique followed by curing of the product obtained. No elastic intercoat layer is described in this procedure. Having obtained the hard sheet and if it is desired to provide a substrate such as a window glass with a protective covering of the prepared hard sheet, the remaining uncoated side of the base sheet is provided with an adhesive layer so that the bilayer hard sheet can be bonded to the surface of a window glass or some other surface where protection of the surface is desired. Clearly, this operation does not describe the claimed multi-coat system of the invention which has no counterpart to the applied adhesive layer on the hard coat sheet of Onozawa et al.

As to the Bergh et al patent, appellants maintain their position that the patent is irrelevant to the presently claimed invention, and that contrary to the Examiner's statement at the top of page 18 of the Answer, an explanation has been provided in the record of the rubbery-like series of polymers identified as KRATON-G polymer. The explanation begins with the fact that the patent nowhere describes or suggests a multi-coat system as claimed in the present invention, but rather describes a radiation image storage panel that basically

consists of a support and a stimulable phosphor layer thereon ([0003]). Paragraph [0017] of the patent further describes that the phosphor layer is a self-supporting or supported layer of phosphor particles dispersed in a binding medium. A protective coating of white pigment particles in a binder is provided on the layer of phosphor particles. The patent in paragraphs [0040] to [0042] discloses that the rubbery binders such as KRATON-G are preferably used as the binder for the phosphor particles of the phosphor layer. Clearly, such a description does not provide the details of a multi-coat system as presently claimed where, indeed, it is possible to employ a KRATON-G as an elastic coat material.

In view of the comments above, appellants continue to believe that the decision by the Examiner to continue the rejection of the present claims is erroneous and should be REVERSED.

Respectfully submitted,

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